

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jerald Boitnott,

Case Number: _____

Plaintiff,

v.

NOTICE OF REMOVAL

Genuine Parts Company d/b/a Napa Auto
Parts and Blue Sky Coast L.L.C.,

Defendant.

Defendant Genuine Parts Company d/b/a Napa Auto Parts (“Genuine Parts”), as and for its Notice of Removal of this action to the United States District Court, District of Minnesota, states that:

1. On June 28, 2018, plaintiff commenced this action in the District Court of Ramsey County, Second Judicial District, for the State of Minnesota through service of an Amended Summons and Amended Complaint on Genuine Parts. True and correct copies of the Amended Summons and Amended Complaint (*and Exhibits A and B*) served upon defendant Genuine Parts are attached as Exhibit 1 and filed with this Notice of Removal.

2. This is a civil action in which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and is removable to this Court by defendant pursuant to the provisions of 28 U.S.C. § 1441.

3. This civil action involves claims by plaintiff Jerald Boitnott for alleged violations of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 et seq. Plaintiff alleges that Genuine Parts’ facility, which is owned by Blue Sky Coast L.L.C., in St. Paul, Minnesota does not comply with the ADA. Through his lawsuit, plaintiff seeks remediation of alleged architectural barriers, modification of defendants’ ADA policies and procedures and a monetary award, attorneys’ fees and litigation costs.

4. This case arises under the laws of the United States and involves a federal question, and thus is within this Court’s jurisdiction under 28 U.S.C. § 1331. Because this action arises pursuant to the laws of the United States in a matter over which this Court has original jurisdiction, the action “may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Under the terms of 28 U.S.C. § 1441, the entire action is removable.

5. This Notice of Removal was timely filed pursuant to 28 U.S.C. § 1446(b) having been filed within thirty (30) days after service of the Amended Summons and Amended Complaint upon defendant Genuine Parts.

6. Genuine Parts understands that Blue Sky Coast L.L.C. has not yet been served with plaintiff’s lawsuit and is not yet required to consent to this removal under 28 U.S.C. § 1446(b).

7. Venue is proper in this District under 28 U.S.C. § 1391.

8. As required under 28 U.S.C. § 1446(d), defendant Genuine Parts will serve a copy of this Notice of Removal on plaintiff and file the same with Ramsey County,

Civil Division, Second Judicial District. A copy of the Notice of Filing of Notice of Removal that defendant Genuine Parts will file and serve is attached as Exhibit 2.

WHEREFORE, defendant Genuine Parts respectfully requests that this action be removed in its entirety to the United States District Court for the District of Minnesota.

Date: July 23, 2018

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